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6 Attorney for Plaintiff Rodolfo F. Mendoza  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
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11 RODOLFO FIDEL MENDOZA,  
12 individually, and on behalf of a class of  
similarly situated individuals,

13 Plaintiff,

14 v.  
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16 GENERAL MOTORS, LLC,

17 Defendant.  
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CASE NO. CV 10-2683 AHM (VBK)

Hon. A. Howard Matz

**STIPULATION TO MODIFY  
BRIEFING SCHEDULE FOR  
DEFENDANT'S MOTION TO  
DISMISS FOR LACK OF  
JURISDICTION OR,  
ALTERNATIVELY, FOR  
TRANSFER TO THE SOUTHERN  
DISTRICT OF NEW YORK FOR  
REFERRAL TO THE  
BANKRUPTCY COURT**

1 Plaintiff Rodolfo Fidel Mendoza (“Plaintiff”) and General Motors, LLC  
2 (“GM”), through their undersigned counsel, hereby stipulate and agree as follows:

3 WHEREAS, Plaintiff served a Class Action Complaint (“complaint”) in the  
4 matter captioned *Mendoza et al. v. General Motors, LLC* (Case No. CV-10-2683  
5 AHM (VBK)) on GM on or about May 1, 2010;

6 WHEREAS, the Court entered a June 18, 2010 Order Re: Filing of Plaintiff’s  
7 First Amended Class Action Complaint and Defendant’s Response (Docket No. 12),  
8 setting and/or extending the dates for:

- 9 1. filing of Plaintiff’s First Amended Class Action Complaint, by July 16,  
10 2010;
- 11 2. filing of GM’s motion to dismiss the complaint, or, in the alternative,  
12 transfer this action to the United States District Court for the Southern  
13 District of New York pursuant to 28 U.S.C. § 1412, by August 16,  
14 2010,
- 15 3. filing of Plaintiff’s Opposition to GM’s motion, by September 7, 2010;
- 16 4. filing of GM’s Reply in support of its motion, by September 20, 2010;  
17 and
- 18 5. the hearing on GM’s motion, for September 27, 2010 , at 10:00 a.m.,  
19 Courtroom 14, in the Central District of California, Western Division.

20 WHEREAS, Plaintiff filed his First Amended Class Action Complaint on July  
21 15, 2010;

22 WHEREAS, GM filed its Motion to Dismiss for Lack of Jurisdiction or,  
23 Alternatively, for Transfer to the Southern District of New York for Referral to the  
24 Bankruptcy Court (Docket No. 15) (“Motion to Dismiss or Transfer”) on August 13,  
25 2010;

26 WHEREAS, the parties stipulated and the Court ordered in its August 23,  
27 2010 Order Extending Briefing and Hearing Schedule for Defendant’s Motion to  
28 Dismiss for Lack of Jurisdiction or, Alternatively, for Transfer to the Southern

1 District of New York for Referral to the Bankruptcy Court (Document No. 21), the  
2 following schedule regarding briefing and the hearing on said motion:

- 3 1. Plaintiff will file his opposition to Defendant's motion by September 20,  
4 2010;
- 5 2. Defendant will file its reply in support of its motion by October 4, 2010;
- 6 3. Defendant's motion shall be scheduled for hearing on October 18, 2010, at  
7 10:00 a.m., Courtroom 14, in the Central District of California, Western  
8 Division;

9 WHEREAS, based on good cause, Plaintiff now anticipates the need for one  
10 more week to prepare his opposition to Defendant's motion because the attorney,  
11 Payam Shahian, who has recently made his appearance in this case and who is the  
12 Plaintiff attorney primarily responsible for preparing the opposition and focused on  
13 reading and researching issues about GM's bankruptcy filings, which are thousands  
14 of pages long, encountered or will encounter the following: on or about September  
15 1, 2010, he moved offices to a new location; he has been unable to set up his new  
16 office because he has been without his new computers until September 13 due to a  
17 mistake on the part of the computer manufacture Dell, who delivered the computers  
18 to the wrong address; he had difficulty installing the appropriate software and back-  
19 up systems in the new computers once they arrived ; delivery personnel encountered  
20 delays receiving authorization from the building management to deliver office  
21 furniture to Mr. Shahian's new office; phone and internet connections were not  
22 appropriately working at the time of Mr. Shahian's relocation; and finally, he  
23 intends to observe Yom Kippur from sundown on Friday, September 17 through  
24 September 18, 2010, and will therefore not be doing any work during that time;

25 WHEREAS, the Court, in its August 23 Order, granted two weeks for GM to  
26 prepare its reply in support of its Motion to Dismiss or Transfer, even though the  
27 parties had only stipulated to one week in their August 22, 2010 Stipulation to  
28 Extend Briefing and Hearing Schedule for Defendant's Motion to Dismiss for Lack

1 of Jurisdiction or, Alternatively, for Transfer to the Southern District of New York  
2 for Referral to the Bankruptcy Court (Document No. 20);

3 WHEREAS, GM's counsel still anticipates that he will only need one week to  
4 prepare GM's reply in support of its Motion to Dismiss or Transfer;

5 WHEREAS, Plaintiff has agreed that should GM require additional time to  
6 prepare its reply in support of its Motion to Dismiss or Transfer, Plaintiff will in  
7 good faith cooperate with GM to stipulate to additional time for GM to prepare its  
8 reply in support of its Motion to Dismiss or Transfer;

9 WHEREAS, the parties have discussed and agreed upon a mutually agreeable  
10 modification of the current briefing regarding GM's Motion to Dismiss or Transfer,  
11 such that Plaintiff may have one extra week to prepare his opposition and GM will  
12 have one less week to prepare its reply, so that the October 18, 2010 hearing date  
13 may remain calendared on that same date;

14 IT IS HEREBY STIPULATED AND AGREED, through their respective  
15 counsel of record, that the Court, subject to the convenience of its calendar, may  
16 enter an order as follows:

- 17 1. Plaintiff will file his opposition to Defendant's motion by September 27,  
18 2010;
- 19 2. Defendant will, as already scheduled, file its reply in support of its motion  
20 by October 4, 2010; and
- 21 3. Defendant's motion shall remain scheduled for hearing on October 18,  
22 2010, at 10:00 a.m., Courtroom 14, in the Central District of California,  
23 Western Division;

24 DATED: September 15, 2010 ISAACS CLOUSE CROSE & OXFORD LLP

25  
26 By: /s/  
27 Gregory R. Oxford  
28 Attorneys for General Motors, LLC

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By: /s/  
Robert L. Starr  
Attorneys for Plaintiff

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
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4 RODOLFO FIDEL MENDOZA,  
5 individually, and on behalf of a class of  
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10 Defendant.  
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CASE NO. CV 10-2683 AHM (VBK)

Hon. A. Howard Matz

**[PROPOSED] ORDER  
MODIFYING BRIEFING  
SCHEDULE FOR DEFENDANT'S  
MOTION TO DISMISS FOR LACK  
OF JURISDICTION OR,  
ALTERNATIVELY, FOR  
TRANSFER TO THE SOUTHERN  
DISTRICT OF NEW YORK FOR  
REFERRAL TO THE  
BANKRUPTCY COURT**

14 The Court has reviewed and considered the parties' September 15, 2010  
15 Stipulation to Modify Briefing and Hearing Schedule for Defendant's Motion to  
16 Dismiss for Lack of Jurisdiction or, Alternatively, for Transfer to the Southern  
17 District of New York for Referral to the Bankruptcy Court ("Stipulation"). Based  
18 on the Stipulation and GOOD CAUSE APPEARING, it is hereby ordered that:

- 19 1. Plaintiff will file his opposition to Defendant's motion by September 27, 2010;  
20 2. Defendant will file its reply in support of its motion by October 4, 2010;  
21 3. Defendant's motion shall remain scheduled for hearing on October 18, 2010,  
22 at 10: 00 a.m., Courtroom 14, in the Central District of California, Western  
23 Division.  
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25 DATED: September , 2010

26 Hon. A. Howard Matz  
27 United States District Court Judge  
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